

**DEPARTMENT OF EDUCATION  
Montpelier, Vermont**

**TEAM:** Legal Team

**ITEM:** Will the State Board of Education approve the request of the Southwest Vermont Supervisory Union to waive one 2009-2010 student attendance day for the Molly Stark School?

**RECOMMENDED ACTION:** That the State Board of Education approve the request of the Southwest Vermont Supervisory Union to waive one 2009-2010 student attendance day for the Molly Stark School. Should the Molly Stark School experience any additional closures during the 2009-2010 school year, the State Board expects that all school days which are missed as a result will be made up, and if the district were to wish to have such additional closures waived, a renewed waiver request would be required to be submitted to the State Board.

**STATUTORY AUTHORITY:** 16 V.S.A. 1071 (c)

**BACKGROUND INFORMATION:**

As a result of damage to the Molly Stark School caused by a broken municipal water line on January 17, 2010, the Molly Stark School was closed for six student attendance days. The academic calendar for the Southwest Vermont Supervisory Union includes 180 student days; with the loss of these six days, students at Molly Stark School are at 174 days.

See attached letter from Catherine M. McClure, Superintendent of Schools.

**COST IMPLICATIONS:**

See attached letter.

**STAFF AVAILABLE:** Mark Oettinger, General Counsel

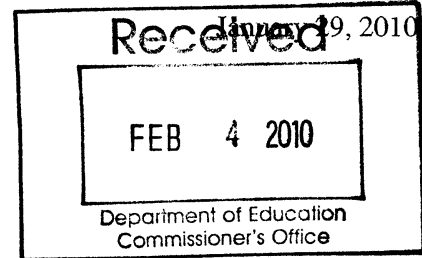
# Southwest Vermont Supervisory Union

246 South Stream Road  
Bennington, Vermont 05201

Telephone: 802-447-7501

FAX: 802-447-0475

Request for a Waiver of Required Minimum School Days, T.16 1071  
Molly Stark Elementary School, Bennington, Vermont



Fayneese Miller, Chair  
Vermont State Board of Education  
University of Vermont, College of Education and Social Services  
Waterman Building, 85 South Prospect Street  
Burlington, Vermont 05405

Dear Ms. Miller:

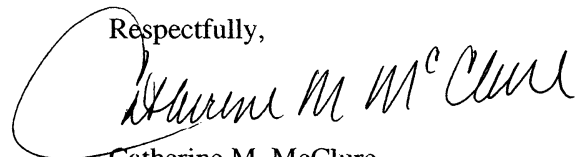
On Sunday, January 17, 2010 a municipal water pipe broke just north of the Molly Stark Elementary School in Bennington, Vermont. Although fire and police were promptly on site, they were unable to stop the flooding waters before they reached the school. Seven classrooms, the Library, the north hallways, and additional ancillary rooms, including the nurse's office, were damaged by the flooding causing the closure of the school.

As the 2009-2010 academic calendar in the Southwest Vermont Supervisory Union includes 180 student days with additional days for snow cancellation and professional development, we anticipated that the damage would be corrected with students returning on Wednesday, January 27<sup>th</sup> to complete a 175 day academic year. January 18<sup>th</sup> was a holiday and January 25<sup>th</sup> a Teacher work day, giving us nine full days with crews working through the weekend to repair the damage. On Monday, January 25<sup>th</sup> the determination was made to reopen school on Thursday, January 28<sup>th</sup>, not on Wednesday, January 27<sup>th</sup> as we first anticipated. This delay ensured an occupancy permit from the town following the cleaning of rooms, air quality testing, and the replacement of carpeting, tile and some dry wall.

On behalf of the Bennington School District Board of Directors, I am requesting a waiver for one day of the 175 minimum number of school days for this academic year. This request is sent within ten days of January 25<sup>th</sup>, the day we learned that school would reopen on Thursday, January 28<sup>th</sup>, one day later than we anticipated. There are three elementary schools in the Bennington School District. To have one of the three schools in session longer than the remaining two would have a financial impact from additional salary, busing, and food service costs. The student day at each of these schools is currently longer than five and half hours. As Molly Stark is a participant in PBS, a team of administrators and teachers is required to attend the Best Institute in June following the normal closing of school. Also, as a school in corrective action, all teachers are required to complete two equivalent days of teacher Formative Assessment Training that have yet to be scheduled.

Thank you for your consideration.

Respectfully,

  
Catherine M. McClure  
Superintendent of Schools

C: Armando Vilaseca, Commissioner  
Mark Oettinger, General Counsel  
Donna MacKenzie-King, Principal

Bennington, Mt. Anthony Union High School, North Bennington, Pownal, Shaftsbury, Woodford